

106TH CONGRESS
1ST SESSION

H. R. 1019

To direct the Secretary of the Interior to convey lands and interests comprising the Carlsbad Irrigation Project to the Carlsbad Irrigation District, New Mexico.

IN THE HOUSE OF REPRESENTATIVES

MARCH 4, 1999

Mr. SKEEN introduced the following bill; which was referred to the Committee on Resources

A BILL

To direct the Secretary of the Interior to convey lands and interests comprising the Carlsbad Irrigation Project to the Carlsbad Irrigation District, New Mexico.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Carlsbad Irrigation
5 Project Acquired Land Conveyance Act”.

6 **SEC. 2. DEFINITIONS.**

7 For purposes of this Act:

8 (1) The term “District” means the Carlsbad Ir-
9 rigation District, a quasimunicipal corporation

1 formed under the laws of the State of New Mexico
2 that has its principal place of business in the city of
3 Carlsbad, Eddy County, New Mexico.

4 (2) The term “Secretary” means the Secretary
5 of the Interior.

6 (3) The term “Project” means all right, title,
7 and interest in and to the lands (including the sub-
8 surface and mineral estate) in Eddy County, New
9 Mexico, described as the acquired lands in section
10 (7) of the Status of Lands and Title Report: Carls-
11 bad Project as reported by the Bureau of Reclama-
12 tion in 1978 and all interests the United States
13 holds in the irrigation and drainage system of the
14 Carlsbad Project and all related ditch rider houses,
15 maintenance shop and buildings, and Pecos River
16 Flume.

17 **SEC. 3. CONVEYANCE OF PROJECT.**

18 (a) IN GENERAL.—Except as provided in subsection
19 (b), in consideration of the District accepting the obliga-
20 tions of the Federal Government for the Project, and sub-
21 ject to the completion of payments by the District required
22 under subsection (c)(3), the Secretary shall convey the
23 Project to the District

24 (b) RETAINED TITLE.—The Secretary shall retain
25 title to the surface estate (but not the mineral estate) of

1 such Project lands which are located under the footprint
2 of Brantley and Avalon dams or any other Project dam
3 or reservoir diversion structure. The Secretary shall retain
4 storage and flow easements for any tracts located under
5 the maximum spillway elevations of Avalon and Brantley
6 Reservoirs.

7 (c) DEADLINE.—

8 (1) IN GENERAL.—If no changes in Project op-
9 erations are expected following the conveyance under
10 subsection (a), the Secretary shall complete the con-
11 veyance expeditiously, but not later than 180 days
12 after the date of the enactment of this Act.

13 (2) DEADLINE IF CHANGES IN OPERATIONS IN-
14 TENDED.—If the District intends to change Project
15 operations as a result of the conveyance under sub-
16 section (a), the Secretary—

17 (A) shall take into account those potential
18 changes for the purpose of completing any re-
19 quired environmental evaluation associated with
20 the conveyance; and

21 (B) shall complete the conveyance by not
22 later than 2 years after the date of the enact-
23 ment of this Act.

24 (3) ADMINISTRATIVE COSTS OF CONVEY-
25 ANCE.—If the Secretary fails to complete the con-

1 conveyance under this Act before the applicable deadline
2 under paragraph (1) or (2), the full cost of adminis-
3 trative action and environmental compliance for the
4 conveyance shall be borne by the Secretary. If the
5 Secretary completes the conveyance before that
6 deadline, 1/2 of such cost shall be paid by the Dis-
7 trict.

8 **SEC. 4. RELATIONSHIP TO EXISTING OPERATIONS.**

9 (a) IN GENERAL.—Nothing in this Act shall be con-
10 strued as significantly expanding or otherwise changing
11 the use and operation of the Project from its current use.
12 The Project shall continue to be managed and used by
13 the District for the purposes for which the Project was
14 authorized, based on historic operations, and consistent
15 with the management of other adjacent project lands.

16 (b) FUTURE ALTERATIONS.—If the District alters
17 the operations or uses of the Project, it shall comply with
18 all applicable laws or regulations governing such changes
19 at that time (subject to section 5).

20 **SEC. 5. RELATIONSHIP TO CERTAIN CONTRACT OBLIGA-**
21 **TIONS.**

22 (a) IN GENERAL.—Except as provided in subsection
23 (b), upon conveyance of the Project under this Act the
24 District shall assume all rights and obligations of the
25 United States under the agreement dated July 28, 1994,

1 between the United States and the Director, New Mexico
2 Department of Game and Fish (Document No. 2-LM-40-
3 00640), relating to management of certain lands near
4 Brantley Reservoir for fish and wildlife purposes and the
5 agreement dated March 9, 1977, between the United
6 States and the New Mexico Department of Energy, Min-
7 erals, and Natural Resources (Contract No. 7-07-57-
8 X0888) for the management and operation of Brantley
9 Lake State Park.

10 (b) LIMITATION.—The District shall not be obligated
11 for any financial support agreed to by the Secretary, or
12 the Secretary's designee, in either agreement and the Dis-
13 trict shall not be entitled to any receipts or revenues gen-
14 erated as a result of either agreement.

15 **SEC. 6. LEASE MANAGEMENT AND PAST REVENUES COL-**
16 **LECTED FROM THE ACQUIRED LANDS.**

17 (a) NOTIFICATION OF LEASEHOLDERS.—Within 120
18 days after the date of enactment of this Act, the Secretary
19 shall provide to the District a written identification of all
20 mineral and grazing leases in effect on Project lands on
21 the date of enactment of this Act and notify all lease-
22 holders of the conveyance authorized by this Act.

23 (b) MANAGEMENT OF LEASES, LICENSES, AND PER-
24 MITS.—The District shall assume all rights and obliga-
25 tions of the United States for all mineral and grazing

1 leases, licenses, and permits existing on the Project lands
2 conveyed under section 3, and shall be entitled to any re-
3 ceipts from such leases, licenses, and permits accruing
4 after the date of conveyance. All such receipts shall be
5 used for purposes for which the Project was authorized
6 and for financing the portion of operations, maintenance,
7 and replacement at the Sumner Dam that, prior to convey-
8 ance, was the responsibility of the Bureau of Reclamation,
9 with the exception of major maintenance programs in
10 progress prior to conveyance. The District shall continue
11 to adhere to the current Bureau of Reclamation mineral
12 leasing stipulations for the Project.

13 (c) AVAILABILITY OF AMOUNTS PAID INTO THE REC-
14 LAMATION FUND.—

15 (1) AMOUNTS IN FUND ON DATE OF ENACT-
16 MENT.—Amounts in the reclamation fund on the
17 date of enactment of this Act which exist as con-
18 struction credits to the Carlsbad Project under the
19 terms of the Mineral Leasing Act for Acquired
20 Lands (30 U.S.C. 351–359) shall be deposited into
21 the general fund of the Treasury and credited to
22 deficit reduction or retirement of the Federal debt.

23 (2) RECEIPTS AFTER DATE OF ENACTMENT.—
24 Of the receipts from mineral and grazing leases, li-
25 censes, and permits on Project lands to be conveyed

1 under section 3 that are received by the United
2 States after the date of enactment of this Act and
3 before the date of conveyance, up to \$200,000 shall
4 be applied to pay the cost referred to in section
5 3(c)(3) and the remainder shall be deposited into the
6 general fund of the Treasury of the United States
7 and credited to deficit reduction or retirement of the
8 Federal debt.

9 **SEC. 7. WATER CONSERVATION PRACTICES.**

10 Nothing in this Act shall be construed to limit the
11 ability of the District to voluntarily implement water con-
12 servation practices.

13 **SEC. 8. LIABILITY.**

14 Except as otherwise provided by law, effective on the
15 date of conveyance of the Project under this Act, the
16 United States shall not be liable for damages of any kind
17 arising out of any act, omission, or occurrence based on
18 its prior ownership or operation of the conveyed property.

19 **SEC. 9. FUTURE RECLAMATION BENEFITS.**

20 After completion of the conveyance under this Act,
21 the District shall not be eligible for any emergency loan
22 from the Bureau of Reclamation for maintenance or re-
23 placement of any facility conveyed under this Act.

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